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Exempt Action: Final Regulation Agency Background Document

Agency name	DWR
Virginia Administrative Code (VAC) Chapter citation(s)	4VAC15-370
VAC Chapter title(s)	Watercraft: in General
Action title	May 2026 – Ch. 370
Final agency action date	8/20/2026
Date this document prepared	8/26/2026

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Note: There were no changes to language between proposed and final stages for the below sections.

Section 50:

Final amendments to this chapter are to simplify the regulation and clarify the application of the regulation with regards to United States Coast Guard Rules for Waterway Markers. Other changes require that regulatory markers be installed and maintained according to the terms of their application, authorization, or the Department's requirements. These updates also aim to better explain the rules for regulatory markers that individuals place under a local ordinance, as allowed by §29.1-744E. The requirements for size, shape, color, and wording will be expanded in Department requirements or authorization rather than specified in regulation.

Section 51:

Final amendments specify maintenance requirements for waterway markers as well as responsibilities for those who own or place waterway markers within the Commonwealth on public waters. Adopted changes specify that markers need to be placed and maintained according to requirements set out in the authorization for the markers. The requirements for proper maintenance will be expanded in agency requirements or authorization rather than specified in regulation.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Section 50:

Updated language adds reference to the U.S. Coast Guard (USCG) rules for waterway markers, including their shapes and colors. By referring to the USCG standards instead of listing specific shapes and colors in our own regulations, the DWR ensures our rules stay aligned with any future USCG changes.

Section 51:

Current regulation is very general in relationship to the required maintenance owners must undertake of waterway markers. These generalities make it difficult to provide inspections and document deficiencies with waterway marker maintenance. The additional language added to the regulation stipulates that waterway markers must be maintained by those who place and own markers as prescribed by the Department.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On August 20, 2026, the Board of Wildlife Resources adopted final amendments to Chapter 370.